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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,889	10/02/2000	Robert G. Arsenault	PD-200018	5142

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/676,889	Applicant(s) ARSENAULT ET AL.	
	Examiner KIEU-OANH T BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1&2</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-17, recites the limitation "the apparatus" in preceding claims. There is insufficient antecedent basis for this limitation in the claim because it does not exist "an apparatus" in claim 11 or elsewhere. In addition, claim 12 refers to "The apparatus of claim 17" which is to a later claim, and this practice is inappropriate in claim numbering.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (U.S. Patent No. 6,754,905 B2/ or "Gordon" hereinafer).

Regarding claim 1, Gordon discloses "in a broadcasting system having a first service network broadcasting a first signal having a first set of programs, a second service network broadcasting a second signal having a second set of programs, and a third service network

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broadcasting a third signal having a third set of programs, wherein the first signal, the second signal, and the third signal each include service channels uniquely identified by a service channel identifier, a method of providing a unified program guide to a receiver station, comprising the steps of: merging at least a portion of a first program guide describing at least a portion of the first set of programs with at least a portion of a second program guide describing at least a portion of the second set of programs to produce a unified program guide describing at least a portion of a union of the first set of programs and the second set of programs; mapping at least a portion of the unified program guide to a first service channel of the first signal and the second signal; and mapping the portion of the unified program guide to a second service channel of the third signal, wherein the second service channel is logically offset from the first service channel”, i.e., Gordon discloses an interactive program guide (Figs. 1 & 2, and col. 4/line 24 to col. 5/line 65) within a broadcast system comprising different service networks such as a cable network, a DBS satellite network, NTSC television network (col. 1/lines 20-60) wherein sets of programs from different service network can be unified to a user at the user’s receiver station based on portions of one of set of programs whether a first, a second, a third set of programs and the second channel is offset from the first channel –meaning the time slots can be either offset or overlapping (col. 5/lines 14-37 & col. 21/line 59 to col. 22/line 50).

As for claim 2, in further view of claim 1, Gordon further discloses “comprising the step of: associating a default transmitting network identifier with all of the viewer channels, the default transmitting network identifier having a value identifying a default service network transmitting the unified program guide” (col. 8/lines 18-45 for a default packet stream ID for identifying networks).

As for claim 3, in view of claim 2, Gordon discloses “comprising the steps of: receiving the unified program guide; determining a receiver station configuration; and presenting the unified program guide if the default transmitting network identifier corresponds to the receiving station configuration” (Fig. 1, 10, 11s 7 12s & 13s & 15A-15B for the unified program guide with receiver configuration on receiving and displaying the unified program guide information).

As for claim 4, in view of claim 3, Gordon further discloses “comprising the steps of: associating a viewer channel with each of the programs in the portion of the union of the first set of programs, the second set of programs, and the third set of programs; associating a transmitting network identifier with at least one viewer channel, the transmitting network identifier having a value identifying the service network transmitting the viewer channel; and associating a channel identifier with at least one of the viewer channels, the channel identifier for controlling access to the program associated with the at least one viewer channel” (Figs. 7A-7E and col. 23/line 33 to col. 27/line 58 shows and describes detailed techniques on how portions or sessions of sets of programs from different networks as using different streams and different PIDs are collected and gathered at the user’s receiver or a set top terminal and PIDs controlled).

As for claim 5, in further view of claim 4, Gordon further discloses “comprising the step of determining if the viewer channel should be presented in the unified program guide based upon a comparison between the transmitting network identifier and the receiving station configuration, and upon a comparison between the channel identifier and a conditional access value” (Figs. 15A & 15B and col. 35/line 28 to col. 37/line 42 teaches the user’s interaction and the step necessary for the system to determine and compare the network identifier and the user’s

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configuration at the set top terminal and further on the channel identifier and conditional access value as noted in the process).

As for claim 6, in view of claim 5, Gordon inherently teaches “wherein the receiver station comprises a receiver, and the conditional access value is stored in a conditional access module releaseably coupleable to the receiver” (col. 7/lines 15-32 as ASIC circuit is conventionally used in the system, which suggests a conditional access module or CAM can be used).

Regarding claim 7, Gordon discloses “in a broadcasting system having a first service network broadcasting a first signal having a first set of programs and a second service network broadcasting a second signal having a second set of programs, wherein the first signal and the second signal each include service channels uniquely identified by a service channel identifier, a method of receiving a unified program guide to a receiving station, comprising the steps of: receiving a unified program guide and a default transmitting network identifier at a receiving station on a first service channel, the unified program guide describing at least a portion of a union of the first set of programs and the second set of programs, and the default transmitting network identifier having a value identifying the service network transmitting the unified program guide; presenting the unified program guide to a subscriber according to the default transmitting network identifier”, i.e., Gordon discloses an interactive program guide (Figs. 1 & 2, and col. 4/line 24 to col. 5/line 65) within a broadcast system comprising different service networks such as a cable network, a DBS satellite network, NTSC television network (col. 1/lines 20-60) wherein sets of programs from different service network can be unified to a user at the user’s receiver station based on portions of one of set of programs whether a first, a second, a

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third set of programs and the second channel is offset from the first channel –meaning the time slots can be either offset or overlapping (col. 5/lines 14-37 & col. 21/line 59 to col. 22/line 50; and col. 8/lines 18-45 for a default packet stream ID for identifying networks).

As for claim 8, in further view of claim 7, Fordon discloses “wherein the step of presenting the unified program guide to the subscriber according to the default transmitting network identifier comprises the steps of: receiving the unified program guide; determining a receiver station configuration; and presenting the unified program guide if the default transmitting network identifier corresponds to the receiving station configuration” (Fig. 1, 10, 11s 7 12s & 13s & 15A-15B for the unified program guide with receiver configuration on receiving and displaying the unified program guide information).

As for claim 9, in view of claim 8, Gordon discloses “wherein: a viewer channel is associated with each of the programs in the portion of the union of the first set of programs and the second set of programs; a transmitting network identifier is associated with at least one viewer channel, the transmitting network identifier having a value identifying the service network transmitting the viewer channel; and a channel identifier is associated with at least one of the viewer channels, the channel identifier for controlling access to the program associated with the at least one viewer channel” (Figs. 7A-7E and col. 23/line 33 to col. 27/line 58 shows and describes detailed techniques on how portions or sessions of sets of programs from different networks as using different streams and different PIDs are collected and gathered at the user’s receiver or a set top terminal and PIDs controlled).

As for claim 10, in view of claim 9, Gordon discloses “wherein the step of presenting the unified program guide to the subscriber further comprises the step of determining if the viewer channel should be presented in the unified program guide based upon a comparison between the transmitting network identifier and the receiving station configuration, and upon a comparison between the channel identifier and a conditional access value” (Figs. 15A & 15B and col. 35/line 28 to col. 37/line 42 teaches the user’s interaction and the step necessary for the system to determine and compare the network identifier and the user’s configuration at the set top terminal and further on the channel identifier and conditional access value as noted in the process).

Regarding claims 11-17, these claims for “a program guide subsystem, usable with a broadcasting system having a first service network broadcasting a first signal having a first set of programs, a second service network broadcasting a second signal having a second set of programs, a third service network broadcasting a third signal having a third set of programs, wherein the first signal, the second signal, and the third signal each include service channels uniquely identified by a service channel identifier, the program guide subsystem comprising: a compiler, for merging at least a portion of a first program guide describing at least a portion of the first set of programs with at least a portion of a second program guide describing at least a portion of the second set of programs to produce a unified program guide describing at least a portion of a union of the first set of programs and the second set of programs; and a controller for mapping at least a portion of the unified program guide to a first service channel of the first signal and a first service channel of the second signal, and for mapping at least a portion of the unified program guide to a second service channel of the third signal, wherein the second service

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channel is logically offset from the first service channel” with same limitations are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

Regarding claims 18-31, these claims for “an apparatus for use with a broadcasting system having a first service network broadcasting a first signal having a first set of programs and a second service network broadcasting a second signal having a second set of programs, wherein the first signal and the second signal each include service channels uniquely identified by a service channel identifier, comprising: a tuner for receiving a unified program guide and a default transmitting network identifier at a receiving station on a first service channel, the unified program guide describing at least a portion of a union of the first set of programs and the second set of programs, and the default transmitting network identifier having a value identifying the service network transmitting the unified program guide; a module for presenting the unified program guide to a subscriber according to the default transmitting network identifier” with a tuner as Gordon shows in Figure 2 and same limitations as claiming above are rejected for the reasons given in the scope of claims 1-10 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown et al (US Patent 6,678,733 B1), DeFreese et al (US Patent 6,493,876 B1), and Killian (US Patent 6,163,316) disclose interactive program guide systems related to merging and displaying a unified program guide at the user's receiver station.

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6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Krista Bui
Art Unit 2611
September 10, 2004

**KRISTA BUI
PATENT EXAMINER**